

EXHIBIT 2

AUGUST 9, 2023 EMAIL FROM TRUSTEE'S COUNSEL TO DEFENSE COUNSEL

From: [Song, Brian W.](#)
To: [Landsman, Zeb](#); [Kinne, Tanya](#); [Quailey, Shade I.](#); [Krishna, Ganesh](#)
Cc: [Higgins, Tara Q.](#)
Subject: RE: Motion to amend Discovery Arbitrator Order
Date: Wednesday, August 9, 2023 9:27:45 AM
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image002.png](#)

Zeb: The new order would supersede the October 4, 2016 order and govern the use of the discovery arbitrator in our action. You obviously have the right to submit a written objection to the proposed amendment in accordance with the Bankruptcy Court's rules.

If the court enters the new order and you are no longer willing to be compelled to arbitrate a discovery dispute, we would be willing to modify the case management order to remove the provision.

Brian

From: Landsman, Zeb <ZLandsman@beckerglynn.com>
Sent: Tuesday, August 08, 2023 12:25 PM
To: Kinne, Tanya <tkinne@bakerlaw.com>; Quailey, Shade I. <squailey@bakerlaw.com>; Song, Brian W. <bsong@bakerlaw.com>; Krishna, Ganesh <gkrishna@bakerlaw.com>
Cc: Higgins, Tara Q. <THiggins@beckerglynn.com>
Subject: Motion to amend Discovery Arbitrator Order

[External Email: Use caution when clicking on links or opening attachments.]

Dear Tanya and the rest of the Baker team:

We have your motion to change the terms of the order of October 4, 2016, appointing a discovery arbitrator. The case management order in our case (*Picard v. The Sumitomo Trust and Banking Co., Ltd.*, Adv. Pro. No. 11-02573), which is not mentioned in your motion, references that October 4th order:

The Parties agree to the use of Frank Maas, Esq., to the extent available, as Discovery Arbitrator to resolve discovery disputes that they are unable to resolve by meeting and conferring, as referenced in the *Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390* (Doc. No. 14227) entered on October 4, 2016 in Adv. Pro. No. 08-01789 (CGM).

What is your position on the affect, if any, that your motion would have on our case management order? We would object to any change, without our consent, to the terms of the case management order to which we agreed—that is, from one that references the order entered October 4th to one that references an order with different terms.

Kind regards,

Zeb



Zeb Landsman
Head of Litigation Practice Group
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From: Kinne, Tanya <tkinne@bakerlaw.com>

Sent: Wednesday, August 2, 2023 4:56 PM

To: Kinne, Tanya <tkinne@bakerlaw.com>

Subject: SIPC v. Bernard L. Madoff Investment Securities LLC, Case No. 08-01789 (CGM)

We are counsel to Irving H. Picard, as Trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff. Attached for service are the following documents:

- ***Notice of Motion for Order Amending Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390; and***
- ***Motion for Order Amending Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390.***

Tanya Kinne
Complex Case Coordinator, CEDS

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